

1993—No. 502

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to bait traps, the taking of salmon and trout and
miscellaneous matters)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council,
and in pursuance of the Fisheries and Oyster Farms Act 1935, has been
pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY, M.P.,
Minister for Agriculture and Fisheries.

Commencement

1. This Regulation commences on 1 October 1993.

**Amendment of Fisheries and Oyster Farms (Nets and Other Fishing
Gear) Regulation 1989**

2. The Fisheries and Oyster Farms (Nets and Other Fishing Gear)
Regulation 1989 is amended:

(a) by omitting clause 55 and by inserting instead the following
clause:

Bait trap

55. (1) It is lawful to use a trap for the taking of bait in any
waters (other than inland waters) if the trap complies with the
description as set out in the Table to this clause and a person
(other than a licensed fisherman) does not set or use more than 1
bait trap at any one time.

(2) For the purpose of this Regulation or any other instrument
under the Act, a trap referred to in this clause may be referred to
as a bait trap.

TABLE

Bait Trap

Description of Trap—Not exceeding 450 mm in length and 350 mm in diameter with any entrance funnel not exceeding 60 mm in diameter.

- (b) by omitting clause 59 (3) and by inserting instead the following subclause:

(3) A person must not for the purposes of taking fish (other than salmon or trout) set, use or lift, or have in possession in or on or adjacent to any inland waters a set line or hand held line (whether comprising a hand line or a rod and line) except as permitted by the following:

- (a) in the case of waters flowing generally in a westerly direction in or away from the Great Dividing Range—up to 4 set lines each with no more than 1 hook attached and 1 hand held line with no more than 2 hooks attached are permitted;
- (b) in the case of waters flowing generally in an easterly direction in or away from the Great Dividing Range—up to 2 hand held lines each with no more than 2 hooks attached are permitted but no set lines are permitted;
- (c) in the case of the backed up waters of any dam or impoundment—up to 2 hand held lines each with no more than 2 hooks attached are permitted but no set lines are permitted.

Maximum penalty: 50 penalty units.

- (c) by omitting from clause 63 the matter “(other than a shark)”;
- (d) by omitting clause 67 and by inserting instead the following clause:

Taking of salmon or trout

67. A person must not take or attempt to take salmon or trout by any method other than by the use of a single hand held rod and line with not more than 2 hooks attached.

Maximum penalty: 50 penalty units.

- (e) by omitting clause 69.

Amendment of Fisheries and Oyster Farms (General) Regulation 1989

3. The Fisheries and Oyster Farms (General) Regulation 1989 is amended by omitting clause 57 and by inserting instead the following clause:

Leaving hand held line unattended

57. (1) A person who is taking or attempting to take fish from any inland waters using a hand held line must not leave that line unattended unless that person remains within 10 metres of the hand held line while it is unattended and the hand held line is within that person's line of sight.

Maximum penalty: 50 penalty units.

(2) In this clause, "**hand held line**" means a rod and line or handline.

EXPLANATORY NOTE

The object of this Regulation is to amend the Fisheries and Oyster Farms (Nets and Other Fishing Gear) Regulation 1989 and the Fisheries and Oyster Farms (General) Regulation 1989 so as:

- (a) to make it lawful to use a bait trap of a particular type in waters other than inland waters; and
- (b) to omit the provision relating to traps used to take freshwater crayfish other than yabby (as a consequence it will become unlawful to use such a trap); and
- (c) to change the existing limit on the number of set lines and the number of hooks per line that may be used for fishing in inland waters and to impose new restrictions on the number of hand held lines and the number of hooks per line that may be used (see substituted clause 59 (3) for the new limits); and
- (d) to omit the requirement that bass only be taken by use of 1 rod and line or 1 handline; and
- (e) to prohibit the use of firearms to take shark (currently this prohibition applies to all fish other than sharks); and
- (f) to provide that the requirements relating to leaving a rod and line unattended apply also to handlines.

This Regulation is made under the Fisheries and Oyster Farms Act 1935, including sections 57 (e) and 120 (2) (f), (g) and (h).
